

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 E) for Authority to Increase Revenue
Requirements to Recover the Costs to Replace
Steam Generators in Units 1 and 2 of the Diablo
Canyon Power Plant.

Application 04-01-009
(Filed January 9, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ADDRESSING REQUESTS TO RECEIVE A DOCUMENT
INTO EVIDENCE, AND FOR OFFICIAL NOTICE**

On October 29, 2004, in conjunction with their opening brief, San Luis Obispo Mothers for Peace, Greenpeace, Sierra Club, Public Citizen, and Environment California (collectively, MFP) filed a motion to have Pacific Gas and Electric Company's (PG&E) Chapter 6 workpapers received into evidence.

In its reply brief at page 9, footnote 1, PG&E requested that the Commission take official notice of written testimony marked as SCE-3 in Application (A.) 04-02-026, entitled Steam Generator Scope of Work, Cost Estimate, and Cost Controls, Part 1 at 3, solely for Southern California Edison Company's (SCE) statement of intent that "SONGS 2&3 steam generator replacement will occur during each unit's Fuel Cycle 16 RFO which is planned to start as early as Spring and Fall of 2009, respectively."

In its reply brief at page 18, footnote 2, PG&E requested that the Commission take official notice of the California Energy Commission's (CEC) Staff August 2003 Natural Gas Market Assessment Report, Prepared in Support

of the Electricity and Natural Gas Report under the Integrated Energy Policy Report Proceeding.

In its reply brief at page 20, footnote 4, PG&E requested that the Commission take official notice of the CEC's Staff August 2003 Comparative Cost of California Central Station Electricity Generation Technologies Report.

MFP's motion and PG&E's second and third requests involve documents that have not been subject to cross-examination, and may be subject to interpretation as to what they mean. Therefore, I will deny the requests. As to the estimated steam generator replacement dates set forth in A.04-02-026, the fact that SCE plans to replace the steam generators at the San Onofre Nuclear Generating Station beginning in 2009 is well known, and undisputed by the parties. Therefore, I will grant the request for official notice.

Therefore, **IT IS RULED** that:

1. The motion of San Luis Obispo Mothers for Peace, Greenpeace, Sierra Club, Public Citizen, and Environment California to have Pacific Gas and Electric Company's (PG&E) Chapter 6 workpapers received into evidence is denied.

2. PG&E's request that the Commission take official notice of the California Energy Commission's (CEC) Staff August 2003 Natural Gas Market Assessment Report, Prepared in Support of the Electricity and Natural Gas Report under the Integrated Energy Policy Report Proceeding, is denied.

3. PG&E's request that the Commission take official notice of the CEC's Staff August 2003 Comparative Cost of California Central Station Electricity Generation Technologies Report is denied.

4. PG&E's request that the Commission take official notice of written testimony marked as SCE-3 in Application 04-02-026, entitled Steam Generator Scope of Work, Cost Estimate, and Cost Controls, Part 1 at 3, solely for Southern California Edison Company's statement of intent that "SONGS 2 & 3 steam generator replacement will occur during each unit's Fuel Cycle 16 RFO which is planned to start as early as Spring and Fall of 2009, respectively" is granted.

Dated January 20, 2005, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Addressing Requests to Receive a Document into Evidence, and for Official Notice on all parties of record in this proceeding or their attorneys of record.

Dated January 20, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.